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ABSTRACT

In this report, the Chicago Urban League assesses the Chicago Board of Education's proposed school desegregation plan. The report discusses eleven points of disagreement with plan provisions. The issues raised include: (1) the absence of concrete provisions, especially numerical standards, to ensure that existing black-white separation in Chicago public schools will be remedied; (2) the plan's failure to consider system-wide racial composition, community perceptions, and psychological standards in "racially unidentifiable" schools; (3) the inconsistency of the proposed school transfers standard of 50 percent white/50 percent minority, given the small percentage of total white enrollment; (4) failure of the plan to equitably distribute the burden of desegregation among racial groups; (5) promises to try a variety of voluntary inducements which require virtually no desegregation; (6) lack of detailed information to ensure that educational inducements will attract sizeable numbers of blacks and whites to distant schools; (7) absence of realistic provisions for racial interaction in desegregated schools; (8) emphasis on special programs that would lead better students away from racially-isolated schools; (9) insignificant extra funding for racially-isolated schools; (10) lack of acceptable monitoring provisions; and (11) the questionable assumption that white flight is imminent and destructive, and should be avoided at all cost. (Author/MJL)

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CHICAGO URBAN LEAGUE

An Assessment of the Chicago Board of Education's Desegregation Plan

A Report Submitted to
Judge Milton I. Shadur
February 16, 1982

UD 022 503

prepared by the League's:

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1. THE HISTORY OF RACIAL SEGREGATION IN CHICAGO'S PUBLIC SCHOOLS HAS INVOLVED ALMOST EXCLUSIVELY BLACK ISOLATION, AND CHIEFLY BLACK ISOLATION FROM WHITES. IN ORDER TO BE CONSTITUTIONALLY ACCEPTABLE, THEREFORE, ANY DESEGREGATION PLAN NEEDS DIRECTLY AND CONCRETELY TO SPECIFY AND ENSURE HOW AND HOW MUCH BLACK-WHITE SEPARATION IS GOING TO BE REMEDIED.

The consent decree under which this plan is developed was based on an investigation conducted by the Office of Civil Rights of HEW seeking to determine if the Chicago Board of Education had historically been guilty of de jure segregation practices. The document containing the findings of that investigation is contained in a 102 page appendix to an April 9, 1979 letter from Secretary Califano to General Superintendent Hannon rejecting the Board of Education's form applications for ESAA funds. A reading of the specific school-by-school, instance-by-instance evidence contained in that document unequivocally demonstrates that the history of racial segregation in Chicago's schools has overwhelmingly involved efforts to isolate blacks in all black schools, and by so doing chiefly to keep blacks out of predominantly white schools.

The plan which the Board of Education has submitted to desegregate Chicago's public schools contains no provisions which ensure that any black children will attend desegregated schools. As defined in this plan, the provisions of the consent decree could be adequately achieved with every black pupil in the system attending a 100% black school. The plan creates such an ignominious possibility by defining the injured group in need of systematic remediation as "minorities" and lumping Hispanics, Asians, American Indians, Alaskans, and Pacific Islanders with blacks under this rubric. While these various groups are routinely regarded as minorities, traditional minority group status should not be a sufficient criterion for inclusion with blacks as groups requiring a remedy from past racial isolation. Indeed, one would be hard pressed to muster any evidence to support the

notion that Hispanics, Asians, or other non-black minority groups have been racially isolated in the Chicago public schools. These groups have generally moved quite freely within the school system. Rather than white vs. non-white, the basic dichotomy in terms of racial segregation in the schools has been black vs. non-black.

Should the court wish, a historical description of the black vs. non-black character of racial isolation could be provided. For the moment, however, a summary for the current ('81) academic year will largely serve the same purpose. The Board of Education asserts that schools with some degree of racial mixing can be divided into four groups: stably integrated schools, schools with potential for racial change, racially mixed schools, and desegregated schools. The latter category contains schools whose racial mixtures are purported to be the result of Board policies to affectuate desegregation. The first three categories, therefore, are supposed to reflect the more "natural" pattern of racial mixing which exists. By examining the racial make-up of the 77 schools in these three categories, we can assess whether minority mixing with whites includes blacks in significant numbers or is limited largely to Hispanics, Asians, and others.

Table 1.1 summarizes the racial composition of these schools in two ways: (1) the percentage of black enrollment in these schools and (2) the proportion of blacks in these schools relative to other minority groups. In interpreting these figures, one must keep in mind that blacks constitute 61% of the school system's enrollment, while all other minorities only make up 22% of the system's pupils. Thus, if blacks were not more racially isolated than other minorities, one would expect them to be nearly three times more prevalent in these figures than other minority groups. Section (a) indicates that in nearly half these 77 schools (35) black enrollment is negligible (5% or less) and that in only 10 of the 77 schools (13%) does black enrollment

Table 1.1

The Degree of Black Participation
in Schools where Minorities
"Naturally" Mix with Whites

(a) BLACK PERCENTAGE OF ENROLLMENT

Type of School	School Whose Percent of Black Enrollment is:						
	0-5	6-10	11-20	21-30	31-40	41 & Over	Total
Stably Integrated Schools	17	10	7	5	2	2	43
Schools with Potential for Racial Change	3	2	2	0	1	0	8
Stably Mixed Schools	14	3	2	2	3	2	26
TOTALS	34	15	11	7	6	4	77

(b) BLACK SHARE OF MINORITY ENROLLMENT

Type of School	Schools in Which Blacks' Share of Minority Enrollment is:			
	A Majority	A Plurality	Less Than a Plurality	Total
Stably Integrated Schools	6	2	35*	43
Schools with Potential for Racial Change	2	0	6	8
Stably Mixed Schools	5	0	21	26
TOTALS	13	2	62	77

*One school has both blacks and Hispanics with 19.5% of the enrollment, so this school could go equally as well in the black plurality category.

exceed the 30% standard which the Board feels is the minimum necessary to avoid racial identifiability of a school. Section (b) indicates that in 62 of the 77 schools (81%) some other minority group is larger than the black contingent. Clearly what "natural" mixing of minorities with whites does exist in the public schools today predominantly involves Hispanics, Asians, and other non-black groups.

How does the Board of Education justify its treatment of blacks in this plan? Specifically the plan says "... the Board is mindful of the desirability of taking additional steps to reduce the isolation of black children from white children in the school system..." However, the plan explicitly rejects the creation of any type of numerical goals, standards, requirements, criteria, or procedures for inducing or assuring more black-white mixing. While the plan contains a variety of numerical standards, goals, procedures, and requirements for minorities, it asserts that the imposition of any specific quantification of "substantial participation" by blacks would be "arbitrary" and must be left to the Board's discretion.

The Board does say that one measure of whether or not blacks are substantially participating is the extent to which blacks are given the opportunity to transfer into desegregated schools. The evidence cited by the Board is: (a) current magnet school and magnet program enrollment figures; and (b) enrollment figures for desegregated schools other than magnets. Yet neither of these sets of figures indicate the number of transfer opportunities available specifically to blacks or the number of blacks availing themselves of these transfer-opportunities. At the beginning of the school-by-school analysis, the Board does provide transfer-in figures, but not by race. Since the Board indicates at one point (p.183) that 25 of 28 magnet schools have been established in predominantly minority schools or neighborhoods, total enrollment figures for these schools chiefly reflect which

racial/ethnic groups were already in these schools, not who has transferred in or had the opportunity to transfer in. In most instances these schools were virtually all black when changed to magnet status, so that transfer-in opportunities were disproportionately and preferentially available to whites. This has simply reduced the numbers of residentially proximate blacks who could enroll in these schools. As for desegregated school other than magnets, the reported 22% black enrollment could consist almost exclusively of previously enrolled blacks and blacks from the current attendance areas of these schools rather than new transfers. Nonetheless, the Board concludes on the basis of this evidence that "...in activities undertaken by the Board to achieve desegregation of schools, there has already been very substantial participation by black children." (p. 152)

Despite the very substantial exclusion of blacks from schools with appreciable numbers of whites and despite the fact that 120 schools still have more than 50% white enrollments, the Board has identified only 40 schools (pp. 72,154,155) for which permissive transfer arrangements have been established to enhance black enrollment. When the black and white compositions of these schools are examined (see Table 1.2), it is clear that the Board does have an operative but unstated quantitative standard governing black transfers into white schools. That operative standard can be stated as follows:

1. Blacks can transfer into schools that are more than 70% white.[a]

2. Blacks can transfer into schools that are between 60% and 70% white if:
   a) current black enrollment is below 9%[b]; or
   b) the school is sufficiently well-embedded in a white neighborhood and physically removed from a black neighborhood that additional blacks transferring in will chiefly serve to keep the school from rising above the 70% white level as present transfer-in students graduate or leave (i.e., Edison and O.A. Thorpe in District 1).

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[a] Rounding to the nearest whole percent.

[b] If Cleveland and Stone are placed in the 2(b) category, this percentage can be dropped to 5%.

Table 1.2

Schools for which Permissive Transfer Arrangements have been Established

School	%White	%Black	%Hispanic	Other
Taft	81.1	16.1	2.2	1.6
Budlong	76.2	5.4	7.2	11.2
Belding	70.3	6.5	12.3	10.9
Cleveland	67.4	6.9	17.6	8.1
Edison	64.1	33.6	0.8	1.5
Hitch	75.4	20.0	2.6	2.0
Thorpe	69.2	25.4	3.1	2.3
Boone	68.8	4.5	6.5	21.1
Clinton	70.3	2.1	8.0	19.7
Jamieson	60.0	8.0	7.5	24.5
Burroughs	62.3	0.0	36.9	0.7
Everett	69.8	0.0	29.2	1.1
Gunsaulus	77.7	1.1	21.1	0.0
Byrne	92.4	3.2	3.8	0.6
Dore	76.2	12.9	10.5	0.5
Edwards	64.7	3.9	28.8	2.7
Grimes	77.2	14.4	7.2	1.2
Fleming	69.8	13.0	16.6	0.6
Hale	72.3	12.4	11.4	4.0
Kinzie	73.0	21.2	5.1	0.7
Pasteur	73.9	12.7	10.2	3.2
Peck	77.6	11.7	9.9	0.8
Sawyer	77.8	10.1	10.7	1.4
Tonti	72.2	8.1	16.5	3.2
Twain	78.5	3.5	15.8	2.2
Bogan	78.0	15.4	5.8	0.7
Hubbard	72.7	14.3	11.4	1.7
Carroll	84.8	3.0	9.7	2.5
Rosenwald	78.5	12.8	8.1	0.7
Dawes	79.1	10.4	9.7	0.7
Eberhart	76.5	9.9	13.0	0.6
Stevenson	73.6	21.5	2.8	2.1
Cassell	84.3	14.6	1.1	0.0

School	%White	%Black	%Hispanic	Other
Henry	64.2	0.4	29.4	6.1
Peterson	63.6	3.5	8.6	24.3
Waters	59.5	0.4	25.5	14.6
Stone	62.3	7.6	7.3	22.8
Barry	66.0	0.0	24.3	9.6
Greene	60.0	11.0	28.8	0.3
Nightingale	67.2	1.2	31.2	0.5

In other words, the Board's effective policy regarding assurance of black participation in the desegregation process seems to be based almost exclusively on the principle that blacks are to be permitted to transfer into white schools if it helps to keep white enrollment from climbing back over the 70% level. Blacks are to be excluded from transferring in to the 80 other schools with more than 50% white enrollment. While the Board may be mindful of the desirability of reducing blacks isolation from whites, their plan appears to be solely preoccupied first with meeting the 70% white maximum standard and then second with keeping these schools from having to accept increasing numbers or more than token numbers of blacks. Clearly, if the Board were serious about its claims of both a 50% white-50% minority ideal goal and a concern about black isolation, then a more extensive permissive transfer program involving black schools would be in the plan along with some numerical goals for increasing the numbers and percentages of blacks in schools with less than 50% minority enrollment coming from the schools' residential attendance area.

It is our position that rather than keeping blacks out of schools which are largely white, the plan must contain specific quantitative goals, procedures, and mandatory back-up provisions to assure that the constitutional violations involving black racial isolation--and particularly black-white separation--will be remedied within a reasonable period of time.

2. A RACIALLY UNIDENTIFIABLE SCHOOL SHOULD BE DEFINED BY A RANGE OF PERMISSIBLE RACIAL COMPOSITIONS WHICH REFLECT THREE PRIMARY ELEMENTS OF NON-IDENTIFIABILITY:

   a) The community's -- but especially black children's -- perception of segregation;
   b) The racial composition of the entire school system;
   c) The psychological standard of the community defining the "tipping point" for instability and further racial change.

The Board offers no conceptual framework for its definition of a racially non-identifiable school. Their standard of at least 30% white and 30% minority clearly seems to be guided by factors other than those we believe most germane to the constitutional question involved. The Board's definition would appear to be based on two other criteria: (1) that numerical symmetry is critical to racial non-identifiability (their range falls 20% on either side of a 50%-50% white-minority split); and (2) that a significant representation of both whites and minorities (at least 30% of each group) is essential. We regard these two criteria and the 30% white and 30% minority standard as unacceptable. To explain our viewpoint we must describe, justify, and draw out the numerical consequences of our own criteria.

A community's perception of the racial identity of a given school is partially conditioned by the racial make-up of that school, of other schools in the system, and of the community as a whole. While logically a school which is half white and half minority would intrinsically appear to be racially non-identifiable, in reality schools exist within the context of a school system and a broader community and not in isolation. A school which is 25% black would be racially identified quite differently in Washington, D.C. than in Phoenix, Arizona. So too in Chicago. If one-third of the schools were half white and half minority and the remaining two-thirds were completely minority -- as the Board has proposed -- the community would not judge

the 50%-50% schools as racially non-identifiable but would, in fact, tend to define them as the largely white schools in the city.

What is more likely to occur in Chicago, however, is that most whites in the system will continue to congregate in schools that are between 60% and 70% white. Thus, perhaps three quarters of the system's schools will be nearly all minority. (Indeed, some of the Board's other policies and procedures which we discussed in other sections of this statement, clearly seem to assure that this latter pattern of racial distribution among the schools will prevail.)

In judging the constitutional adequacy of such a racial make-up in Chicago, the community's perception of racial identifiability within the context of local circumstances is important; and what is particularly relevant is how black children in the system perceive the racial identifiability of their own school and the school system as a whole. For what the landmark 1954 Supreme Court desegregation decision seemed to emphasize was how the hearts and minds of black children were affected if they perceived themselves to be in a segregated school or school system. Given that the schools are the first major societal institution outside the family that impressionable youngsters are systematically exposed to, it is not surprising that a segregated school experience would lead black children to conclude that the broader society in which they live is largely closed to blacks and that this closure must be based on the societal judgment that blacks are inferior or are otherwise different in some uncomplimentary sense. On the other hand, if the racial composition of the child's school or at least a sizable proportion of the schools within the system convey to the child that he is living in an open society, then the deleterious psychological and social consequences inherent in segregation can be obviated.

In terms of the racial identifiability of schools, then, what is at issue is chiefly a question of whether or not the injured party -- the system's black pupils -- largely perceive themselves to be attending a segregated school in a segregated school system.

To minimize the perception of segregation, each school would have to have the exact same racial composition as the system as a whole. If every school in Chicago had 17% white students, 61% black students, 19% Hispanics, and the remaining 3% Asians and others, no child in the system could readily interpret the racial composition of his or any other school as exclusionary. As we begin to move away from such an extremely rigid and impractical pattern of racial distribution among the schools, the likelihood of perceived segregation increases.

What must be determined is how far practicality considerations -- such as distance, travel time, and cost -- can be allowed to erode the standard of complete racial balance without creating a system which will be largely perceived as racially closed and segregated. We believe that a 30% white to 30% minority range would be quite reasonable and acceptable in a school system which had roughly 50% white and 50% minorities enrolled. But the farther one allows the midpoint of the range to deviate from the actual white-minority system-wide percentages, the larger becomes the block of schools which contain all or virtually all students of one race or the other.

By the Board's proposed ranges, some 443 of 605 schools (or 73% of all schools) are currently racially identifiable as minority schools. And the Board's plan creates no requirements for this number (or percentage) to be reduced. In terms of blacks--the racial group which has historically been the primary victim of segregation--it probably means roughly 80% of all black children are to remain in all black or virtually all black schools

under the Board's plan. It is unconscionable to us that such a state of affairs could be defended as constitutional. On what experiential or perceptual grounds might the preponderance of black pupils in Chicago conclude that the public schools are a racially open system?*

In our judgment the non-identifiability range of racial compositions must come considerably closer to the system's racial composition. Only in this way can the number of blacks in all black or virtually all black schools be reduced to a point where the preponderance of blacks might see the school system as being racially open.

While we will be suggesting a range of racial compositions as an alternative to the Board's proposal, we do recognize that other alternatives could also satisfy constitutional requirements. In developing our own preference, we took the following circumstances into consideration:

a. Part of the Chicago context is the city-wide racial composition which is approximately 40% black, perhaps 14% Hispanic, 36% white (non-Hispanic)** and 10% other. Blacks, whites, and everyone else have their notions of schools influenced to some extent by the racial composition of the community as a whole. The larger percentage of whites in the city than in the public schools suggests that percentages of whites well above 17% probably would not lead people to identify a school as "white."

b. So long as it is not exaggerated or given undue importance, concern for retaining the system's 17% whites is an appropriate consideration. In this regard one would not want to insist on reducing the percentage of whites in all schools to a level which would induce large scale white flight from the system. A psychological "tipping point" is a useful theoretical notion to employ in attempting to minimize such flight.*** This tipping point, of course, is affected by a variety of considerations including the city's overall racial composition.

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*As we will discuss later, simply having an open enrollment policy is hardly sufficient, since that policy prohibits blacks from moving to any white school with less than 50% white students.

**For simplicity's sake all Hispanics are assumed to be classified as white rather than as black or other in the 1980 census. This should not produce more than a 1% to 3% error in the proportion of whites and blacks we have estimated here.

***In reality, of course, most whites leave the public schools for other reasons and there is great variability in the tipping point for those that otherwise would remain. Certainly the tipping point is much higher for whites on the Southwest Side than whites along the North lakefront section of the city.

Given our position that blacks are the group whose racial isolation--chiefly from whites--must be addressed in this plan, we would suggest the following alternative standard of racial non-identifiability:

> A racially non-identifiable school is one with 30% to 55% whites and 30% to 65% blacks. In those instances when blacks and whites do not make up the entire student body, any combination of Hispanics, Asians, and other groups would be permissible.*

The rationale for this standard can be briefly summarized.

a. The minimum white percentage of 30% exceeds the system-wide white percentage of 17% by 13% solely as a concession toward minimizing white flight. This 30% figure is only 6% below the estimated white percentage of Chicago's population. The maximum limit of 55% exceeds the city's percentage of whites (36%) by nearly 20%--again chiefly as a concession to whites' psychological perception of a "tipping point." Allowing some of the more resistant white schools to remain a slight majority white may help to curtail the withdrawal of white pupils from the public school system.

b. By reducing the maximum white percentage from 70% to 55%, the Board of Education will have to reduce the concentrations of whites in roughly 100 schools rather than 45. This will mean an appreciable number of additional schools can theoretically increase their white enrollments sufficiently to become desegregated.

c. By changing the minority standard to a black standard, we have faced up to the crucial dimension in school desegregation for Chicago. Whereas the Board of Education's proposal permits a school to be desegregated with no blacks enrolled, we have set a 30% minimum. Whereas the Board's plan, if accepted, would mean that the school system could fully meet its obligations to desegregate with every black child in the system being enrolled in a 100% black school, our definition assures that blacks will be an integral part of any notion of desegregation of Chicago's public schools.

d. Given that blacks' historic isolation reflects their perception by other groups as a threat, a black minimum below 30% might be regarded as sufficiently large to warrant desegregated status for a school. The 30% figure was held to, however, because the system is so heavily black. Only by apportioning substantial numbers of blacks in schools having sizable numbers of whites and possibly other groups can the proportion of blacks in the system who are not located in all black or virtually all black schools be reduced to a level which would promote the notion of a racially open school system.

e. The maximum limit for blacks was placed at 65% for largely the same reasons. This figure is only 4% above the total system percentage, but was not permitted to go higher because, in a city which is 40% black, a school over 65% black would clearly be perceived as a black school. To set the limit at or below black's system-wide

*Bi-lingual education requirements will impose some limitations on mandated student movements.

representation, on the other hand, would excessively limit the number of blacks who could enroll in desegregated settings.

f. In setting racial non-identifiability limits, voluntary and mandatory transfer policies were kept very much in mind, though these will be discussed separately. While some limits on Hispanics, Asians and others are pertinent to transfer policies, we do not regard the inclusion or exclusion of these other groups as central to the notion of a desegregated school. Thus, so long as white and black percentage ranges are achieved, a school is desegregated no matter who else attends. If a school is 80% Hispanic (and this could become far more common in the years ahead as the percentage of Hispanics in the system increases) it is not a desegregated school. But, even though Hispanics may attend segregated or desegregated schools, their representation in specified percentages simply is not required to remedy the historic patterns of racial isolation which has characterized Chicago's public schools.

Finally, our alternative standards for racial non-identifiability also constitutes a rejection of the Board's 15% to 35% white enrollment standard for magnet schools. We believe that racial identifiability is affected by the context in which the school exists, but to tie identifiability to the school's attendance boundary (i.e., the Board justifies a separate magnet school standard because the attendance area for these schools is city-wide) makes no logical sense. On this basis schools in all white neighborhoods should be permitted to be all white and would be regarded as racially non-identifiable.

The Board's apparent assumption is that whites who voluntarily transfer to magnet schools in or near black communities will be more willing than other whites to accept the presence of a large black majority in such schools. In other words, the "tipping point" will be higher in magnet schools than in other schools because of the attitudes of white students willing to transfer to these schools. This assumption may be at least partially correct, but it is irrelevant. The definition of racial identifiability cannot be based on presumed distinctions between the white students who choose to participate in voluntary transfer programs and those who do not.

What the Board appears to be doing is lowering the goals in order to be able to report that their magnet school program and the entire desegregation effort are a success. The Board realizes that the magnet schools have very little magnetic appeal for whites and are largely doomed to failure if the 30% white minimum standard is imposed.

We believe that a single definition of a racially non-identifiable school must be used for the entire system. Having an ordinary school with 15% white enrollment designated as a magnet school would, by the Board's dual standard, change the school from segregated to desegregated. Such "successes" cannot be permitted and, by virtue of their vacuous nature, dual criteria of racial non-identifiability should be held to be unconstitutional.

3. THE BOARD'S 50% WHITE AND 50% MINORITY STANDARD GOVERNING TRANSFERS INTO AND OUT OF SCHOOLS IS EXCESSIVELY PROTECTIVE OF THE NARROW INTERESTS OF WHITE STUDENTS, PARTICULARLY GIVEN THEIR SMALL PERCENTAGE OF TOTAL SYSTEM ENROLLMENT AND HAS THE EFFECT OF LARGELY PROHIBITING BLACKS FROM TRANSFERING INTO MANY OF THE SYSTEM'S SCHOOLS WITH APPRECIABLE NUMBERS OF WHITES.

The identification of who is to be desegregated and what constitutes desegregation are both crucial aspects of this (or any) plan. Yet, whatever is decided about these first two issues is of little use without a meaningful and constitutionally acceptable set of rules governing movement of pupils around the system. The rules governing voluntary and mandatory movement must each be reviewed carefully. Here we will look at the Board's proposed rule governing voluntary transfers.

This rule states that: whites cannot transfer out of a school which would thereby drop below 50% white or into a school which would thereby exceed 50% white; and similarly minorities cannot transfer out of a school which would thereby drop below 50% minority or into a school which would thereby exceed 50% minority. As with the prior two issues, we believe this rule or policy governing voluntary transfer is discriminatory against and detrimental to the interests of blacks.

Our primary objection to this policy is that its superficially even-handed approach is not even-handed in consequences given the small percentage of whites in the system. A 50% white-50% minority standard would make sense if the school system as a whole were 50% white and 50% minority. Chicago's public schools, however, have only 17% whites and 83% minority enrollment. Why then should the Board regard 50% white and 50% minority enrollment in any given school to be the "ideal" composition which the voluntary transfer policy is designed to realize? This is an especially difficult question to answer when one recalls that the Board has claimed a school with as few as 30% whites is racially non-identifiable. If the Board believes that a school with 30% to 50% whites is perceived as a racially mixed school rather than a minority

school, why does the Board not permit whites to leave and minorities to enter schools within this range?

Permitting white enrollment in any given school to decline to 30% rather than 50% increases by two-thirds the number of schools in the system which potentially could be desegregated. Without an explicit, compelling, and constitutionally relevant justification for the 50% standard, the Board's own claim that a 30% white school is raciailly non-identifiable ought to be regarded as the basis for using the 30% white figure as the threshold for controlling the voluntary movement of minorities into a school and of whites out of a school.

It is not difficult to speculate about the unstated perspective which accounts for the Board's illogical dual set of standards. While a 50%-50% "ideal" standard is a mathematically perfect racial non-identifiability standard for any given school, we suspect the Board (or the mayor?) was chiefly interested in permitting predominantly white schools to remain at least 70% white. To create a specious sense of balance and equity around this 20% extension allowed for whites above a strictly numerical notion of equity, the Board decided to define the range of racial non-identifiability to include a counter-balancing 20% leeway below 50% to go with the 20% overage. In reality, however, the Board does not regard a school which is close to 30% white as a racially non-identifiable school. As a result they have established a 50% minimum on white enrollment when addressing the issue of who shall move and who shall not move.

Whether or not the Board's decisions were governed by this reasoning, the result is an inconsistent dual set of standards. Minimally on logical grounds the Board should not be permitted to count schools with 30% to 50% whites as racially non-identifiable and thus reflective of success in desegregating the school system, while simultaneously insisting that minorities cannot transfer

into schools which would thereby drop below 50% white.

What is especially pernicious about this 50% white-50% minority standard is that it actually serves to prohibit the reduction of racial isolation between blacks and whites. It does this by prohibiting blacks to transfer into schools with less than 50% whites, most of which (as described in point 2 above) contain sizable number of Hispanics, Asians, and other non black minorities but very few blacks. Of the 77 schools which are classified as racially mixed, 28 (36%) have white enrollments between 30% and 50% and thus preclude blacks from transfering in. An additional 48 have been classified as desegregated through transfer programs. Of these 5 more have between 30% and 50% white enrollment and are, therefore, prohibited from further black transfers in.

We recognize, of course, that the Board's rule is expressly designed to maintain the stability of the racial mixes which exist in the system. The effect of the rule, however, is to prohibit blacks from entering many of the schools with sizable white enrollments. It is our view that if space permits, blacks minimally should be permitted to transfer into these 33 schools with 30% to 50% whites until white enrollment declines to 30% of total school enrollment.

Having stated our preference for the 30% white minimum standard governing transfers, we will share our other suggested ranges for governing transfers, in the system (see Table 3.1). In addition to the 30% white minimum governing white transfers out and black transfers in, we also favor a 35% white maximum governing white transfers in and black transfers out. This range chiefly reflects a compromise between the low percentage of whites in the system and concern for the psychological tipping point among whites which might destabilize the school.

The corresponding limits for blacks range from a minimum of 35% to a maximum of 65%. This range is higher because blacks constitute a larger

TABLE 3.1 VOLUNTARY TRANSFER PROVISIONS

1. White students may transfer out of schools more than 30% white and into schools less than 35% white.

2. Black students may transfer out of schools more than 35% black and into schools less than 65% black.

3. Hispanic students may transfer out of schools more than 30% Hispanic and into schools less than 50% Hispanic.

4. Asian and American Indian students may transfer out of any school and into any school less than 25% of their own racial group.

5. These transfer standards are not to be applied to a given student if to do so would remove either the sending or receiving school from the status of being racially non-identifiable as defined in our discussion point 2 above.

6. These transfer standards can be adjusted 5% up or down for a particular school under exceptional circumstances. Such circumstances must be detailed in progress reports and must pertain to maintenance of racial stability or of desirable social class/academic standard heterogeneity. To be exceptional, no more than 5% of the schools can invoke this percentage adjustment provision in a given school year. (This would amount to 30 schools this year.)

percentage of the school system. The range is also much wider than for whites because the shortage of whites in the system dictates their extremely judicious and controlled distribution in order to ensure the largest practicable amount of desegregation. Despite the width of the range, the very large number of schools with more than 65% blacks are off-limits as receiving schools (though the type of exemption provided for in the Board's plan seems to be a reasonable way to expand freedom of choice without producing educationally destructive consequences).

Hispanics are also limited to transfering out of a school down to the 30% level in order to ensure sufficient numbers for bi-lingual education programs. The proposed 50% maximum for Hispanic transfers in and the 25% maximum transfers-in limit for Asians and other minorities are simply suggested out of recognition that the non-residentially linked clustering of these groups deprives other students in the system of the positive enrichment which can be expected by the cultural diversity they represent. In general it is our view that Hispanics, Asians and other minorities should largely be permitted to transfer in or out of schools as they please since they are not centrally related to remedying past de jure segregation.

The specific percentages we have suggested could just as well be slightly higher or lower. The particular percentages in our alternative proposal are offered simply to illustrate the underlying principles on which they are based. Those principles can be briefly stated. The transfer restrictions which largely determine the future racial mixture of the schools must: (1) generally conform to the racial non-identifiability standards established in order to ensure that voluntary measures are in fact working to create "... the greatest practicable number of stably desegregated schools ... in Chicago" (2.1 of the consent decree); (2) generally conform to the racial composition of the school system with some minimal deviations permitted as concessions to stability considerations; and (3) set ranges in a manner

which maximizes freedom of choice, and especially equity among the various racial groups in freedom of choice without compromising the goal of creating the largest feasible number of desegregated schools.

Finally, on the subject of transfer policy, we oppose the Board's proposal of exempting white students from any and all sending schools (transfer out) requirements if the student wishes to transfer into a magnet school. Regardless of the destination, the sending school should have its stability protected, and whites should receive no extraordinary relief from the burdens which every group crucial to the desegregation issue ought to shoulder. We fear this proposed exemption is particularly pernicious--at least in likely consequences if not in intention. What such an exemption might chiefly produce is an escape mechanism for whites in schools which are already largely minority and are moving rapidly toward becoming 100% minority. Schools that are 50% to 70% white generally are middle class schools with good academic achievement records and with programs which (according to other features of the Board's plan) can be enhanced on the grounds of ensuring continued stable desegregation. As previous research has indicated, white students in those schools are generally unlikely to be lured to magnet schools chiefly located in black neighborhoods. What appeal magnet schools might have, however, is likely to be greatest among whites in minority schools--particularly schools whose academic achievement levels and reputations are in decline. With a 15% white enrollment in a magnet school being defined as a desegregated setting, while 15% white enrollment in a non-magnet school is not so defined, the shift of whites from the latter to the former school would permit the Board to claim an increase in desegregation when in fact nothing has changed. Or, rather, the only thing that will have changed is that many white students who are currently "trapped" in lower achievement level black schools will have taken advantage of their preferential--if not exclusive--

access to a better quality of education, while many minority students will continue to be prohibited from leaving their current schools for a magnet school because they are not granted an exemption from the transfer out standard.

4. THE BURDEN OF DESEGREGATION MUST BE EQUITABLY DISTRIBUTED AMONG THE GROUPS WHICH ARE TO BE DESEGREGATED. THE BOARD'S PLAN VIOLATES THIS DICTUM BY BEING PRE-OCCUPIED WITH RETAINING CURRENT WHITE PUPILS IN THE PUBLIC SCHOOLS AND WITH DRAWING IN SUBURBAN AND PRIVATE/PAROCHIAL SCHOOL WHITE STUDENTS TO THE NEGLECT AND DETRIMENT OF THE 83% OF THE STUDENT POPULATION WHO ARE BLACK OR OTHER MINORITY GROUPS.

The consent decree, in section 2.4, states: "The plan shall ensure that the burdens of desegregation are not imposed arbitrarily on any racial or ethnic group." Our reading of the plan did not reveal concrete assurances and policies designed to produce an equitable distribution of desegregation burdens. Rather, we found just the opposite to be the case.

The manifestations of equitably shared burden between whites and blacks should take several forms. Some of these forms are discussed in other sections of this document. Four which are not focused on elsewhere are explicitly reviewed here in relation to the Board's plan.

First, numerical racial mixture goals should apply roughly equally to both white schools which are to increase their percentage of black enrollees and black schools which are to increase their percentage of white enrollees. This plan, however, really only establishes racial mixture goals for predominantly white schools. The plan states the intent to reduce the remaining schools with more than 70% whites from the current 34 to zero. While the plan does discuss schools with more than 70% minority enrollment, it limits that discussion only to schools with 15% to 29% white pupils and it offers no firm goals about the number which are to be brought up to at least 30% white. The plan also discusses magnet schools, almost all of which are located in predominantly black areas. Nonetheless, these schools cannot be regarded as part of the equation to create an equal burden on whites to desegregate black schools, since they differ in three crucial ways from the

white schools which minorities are to desegregate: (1) the minimum number of whites required to achieve success is lower (15%) than the number of minorities needed in white schools (30%); (2) the school's entire curriculum and operation is presumably changed which means blacks previously attending the school must either accept the change in operation or transfer out; and (3) the goal established for these schools relates only to the entering class rather than the entire school's composition. In essence, then, we have a commitment to achieve a certain standard of desegregation in predominantly white schools, with no corresponding commitment in black or minority schools.

Second, to achieve equity in racial burden, roughly equal proportions of the total black student population and of the total white student population should change schools. The Board's plan contains no stated numerical expectations or current accounting of the burden of movement (which should, in fact, further sub-divide movement into those moving on their own and those transported by the Board). In projecting the reduction of all predominantly white schools to no more than 70% white, the Board provides no estimate of how much of the needed change will be produced by routine annual attrition in white enrollment, how much will be produced by whites transferring to other schools within the system, and how much will be produced by the transfer in of minority group students. Having such figures is vital to assessing anticipated relative racial burden. Similarly, the Board's figures on current transfers are not broken down or summarized by racial group. Only if the Board were to create specific minimal numerical goals to which it were committed for other categories of schools (e.g., magnets, scholastic academies) could estimates of relative burden be projected.

The complete failure of the Board to provide any specific numerical

data on the burden of desegregation to be borne by each racial group is, we believe, no unintended oversight. The Board is fully cognizant of the fact that an equitable numerical burden can only be achieved if:

a. the percentage standards for desegregated schools approximate the percentages of the racial groups throughout the entire system;
b. specific numerical standards are created for desegregating black schools as well as white schools;
c. the number of excessively white and excessively black schools to be desegregated are roughly equal.

The Board's plan does not meet any of these requirements, nor does the Board wish to meet any of these requirements. Thus, the plan cannot distribute the numerical burden of desegregation equitably, and the Board is forced either to ignore section 2.4 of the consent decree or admit non-compliance. Of course, the Board has chosen to follow the former course of action.

Third, an equitably shared racial burden should mean that desegregated schools with exceptional programs should be open to blacks and whites in proportion to their relative percentages in the system. In magnet schools and other types, the 17% whites in the system are accorded 50% of the slots in exceptional programs, while the 83% minorities in the system are granted only the other 50% of the program slots. How one can justify this skewed distribution of opportunities as a fair sharing of the burdens involved in desegregation is beyond our comprehension. Clearly only minorities have any burden to be borne on this aspect of the issue.

Fourth, policies requiring students to leave their neighborhood schools and transfer to other schools should be distributed among blacks and whites proportionately to their relative numbers in the school system. The Board currently mandates that blacks move from their neighborhood schools. They do so in controlled enrollment situations at Morgan Park and Gage Park

(and they plan to extend this policy to other schools); and they do so at magnet schools in black areas which are not sufficiently under-utilized to permit all neighborhood black children and all whites wishing to transfer in to enroll in the school. The Board's plan, however, requires no white children to attend schools outside their neighborhood and makes no commitment to do so in the future. In terms of equitable burden one might clearly anticipate such an action at least in those four schools with too many whites to satisfy the 70% criterion by next fall.

Overall, it is apparent that blacks are making and will continue to make the sacrifices for the nominal amount of desegregation which the Board of Education is willing to pursue. Exactly how sizable and disproportionate that extra burden is remains a mystery. If the court were to enforce section 2.4 of the consent decree with any degree of firmness, it would in fact end up requiring that many of the basic features of the Board's plan would have to be drastically altered. Racial equity in carrying the burden of desegregation simply cannot be achieved with the basic plan provisions contained in the Board of Education's present proposal.

5. IN THIS PLAN THE BOARD OF EDUCATION PROMISES TO TRY A VARIETY OF VOLUNTARY INDUCEMENTS TO DESEGREGATE THE CHICAGO PUBLIC SCHOOLS BUT IT REQUIRES VIRTUALLY NO DESEGREGATION TO OCCUR.

A careful reading of the Board's plan reveals that the main commitments it contains are:

a. To use voluntary inducements to try to reduce all predominantly white schools to no more than 70% white pupils.

b) To use voluntary inducements to try to reduce segregation in other schools and to maintain the desegregated status of as many schools as practicable.

c) To locate and spend as much of the revenue which the plan calls for as the Board believes it can devote to this task and as the School Finance Authority will authorize.

These commitments are simply to <u>try</u> to implement the desegregation plan.

Two other assurances are given without equivocation. The first is to use mandatory controls to limit minority enrollment within the attendance areas of particular schools. Second, the Board does also promise to <u>consider</u> the practicability of using mandatory reassignment of whites to reduce all predominantly white schools to no more than 70% white if voluntary measures fail. However, the Board clearly and unmistakably suggests that they do not expect the use of mandatory measures to be practicable. And apparently (we have not yet been provided with a copy) its last minute revisions include a commitment to increase the number of children in desegregated settings to several thousand more than the current number. This latter, last minute revision would appear to be the only quantitative commitment to desegregate which the Board is willing to make.

Since this afterthought of a commitment would appear to represent no more than roughly a 1% increase in the number of children currently attending desegregated schools, we believe the plan may be regarded as anything from a well-intended pipedream to a very elaborate and convoluted disguise of an unstated Board commitment to maintain the <u>status quo</u> to the greatest extent practicable; but it is not a constitutionally acceptable plan and commitment to produce the maximum feasible amount of desegregation in the Chicago public

schools.

Our best available research analysis of prior experience with desegregation plans clearly indicates that voluntary inducements to desegregate have modest degrees of success, and what success they have seems to be heavily contingent on the presence (and thus pressure) of unequivocal and significant mandatory back-up measures. Such a research finding makes eminent sense and is particularly appropos here. Chicago is among the two or three most residentially segregated cities in America. Its long history of de jure segregation in the public schools is equally indicative of the fact that there was and is considerable resistance to racial integration in Chicago. Without assurances that desegregation is going to occur one way or another, the persuasive appeal of voluntary inducements is highly suspect.

What unqualified commitments and assurances should the Board make in order to realize its obligation under both the Constitution and the consent decree to desegregate the public schools? Based on the racial non-identifiability and transfer standards we have already proposed, we would urge the following illustrative kinds of commitments be required.

1. Any school which by June '83 has more than a 55% white enrollment projected for September '83 will be subjected to the same new student enrollment controls currently being used (and being planned on an expanded basis for '82-'83) in relation to excessive minority enrollment. That is, sufficient numbers of new entering white students residing in the school's attendance area will be diverted to any of a number of other schools in which their enrollment will enhance desegregation. Just as with blacks who have been diverted from Morgan Park High School, the range of transfer choices shall not be narrowly limited only to those schools which are geographically the most proximate to the original school's attendance area.

2. Transfer in requests by blacks to schools with at least 30% whites shall be intentionally recruited and given priority over transfer in requests by pupils of any other group until black enrollment reaches 65%.
3. Teaming of schools shall be designed to pair a school with more than 50% whites and fewer than 10% blacks with a school having more than 50% blacks and between 5% and 20% whites. Special programs for teamed schools shall be established by the Board if the schools and communities involved are unable to develop them cooperatively. Enrollment in the special programs (and the complementary shifting of some students who do not wish to enroll in the special program) shall be structured or controlled to enhance the racial mixing (i.e., move toward racial non-identifiability) at both schools.
4. Magnet or specialty programs should be established in schools with more than 30% white enrollment which by June '83 are not projected to have at least 30% black enrollment by September '83.
5. Controlled enrollment of whites, Hispanics, Asians, and others should be instituted in schools with at least 30% white enrollment but insufficient capacity to permit the transfer in of enough blacks to achieve the 30% minimum necessary to make the school racially non-identifiable.
6. If, despite the above measures some schools are projected to remain more than 55% white after June '84; any of those schools with at least 30% white enrollment are projected to remain less than 30% black after June '84; and any of those schools with at least 30% black enrollment are projected to remain between 10% and 29% white after June '84; then mandatory reassignment provisions should be instituted to bring these schools up to racial non-identifiability status within the limits of practicability by September '84.

The plan which the court is now being asked to approve should contain a detailed statement about how such mandatory reassignment will be conducted (e.g., procedures for determining who and how many pupils will be selected for reassignment) and should explicitly define what constitutes practicability in terms of time and distance considerations (with substantive evidence to support any contention that more lengthy transportation would "... create a health risk or impinge on the educational process" (4.3 of the consent decree)) or any other dimensions of practicability.

We believe the model for testing the practicability of mandatory reassignment of whites contained in the current version of the Board's plan is utterly unacceptable. This model is:

a. hypothetical when in fact the plan should be specifying firm commitments. The Board should not be permitted to endlessly forestall decision-making and reserve both judgment and discretion as they repeatedly do in this plan;

b. unclear in explaining what base the 60% figure might be applied to in determining immobile enrollments;

c. too conservative in establishing a 20 minute trip maximum;

d. a veiled but unmistakable statement that the Board regards any and all mandatory reassignment as impracticable and, therefore, that they intend to do absolutely nothing in the fall of '83 to ensure that any desegregation occurs in the public schools (thus violating 4.3 of the consent decree).

6. IF DESEGREGATION IS TO BE ACHIEVED VOLUNTARILY USING NEW EDUCATIONAL PROGRAMS AS INDUCEMENTS, THEN THE PLAN MUST CONTAIN SUFFICIENTLY DETAILED INFORMATION TO RENDER A JUDGMENT ABOUT THE LIKELIHOOD THAT SUCH VOLUNTARY PROGRAMS WILL IN FACT INDUCE SIZABLE NUMBERS OF WHITES AND BLACKS TO ENROLL AT FAIRLY DISTANT SCHOOLS.

As we have noted elsewhere, the use of strategically related exceptional educational programs to draw students into integrated settings has generally been found to have rather limited appeal -- particularly when whites are being recruited to schools located in or near black neighborhoods and when mandatory reassignment is not obtrusively recognized to be virtually the only alternative to such a voluntary transfer. We also have noted elsewhere that the Board has not demonstrated much success in increasing white participation in such programs. White participation in magnet schools increased from last year to this year by only 42 students, climbing from 664 to 706; and for all system-wide programs white enrollment showed only a 492 pupil increase from 1,996 to 2,488. This represents an increase in white participation from 2.3% to 3.3% of all white pupils in the system.

Concern over the capability of the Board to make voluntary educational inducements work has led us to raise questions about various aspects of the program --including mandatory back-ups, financing and skimming. Here, however, our concerns are about two other aspects of the exceptional educational programs strategy:

1. Do the educational programs offered appear to have sufficient substance and merit to appeal to large numbers of students?
2. Does the Board have an effective plan for marketing the programs -- that is publicity, recruitment, and related matters?

With regard to the substance of the exceptional programs which the Board is now using and the new programs they are proposing, we found the descriptions contained in the desegregation plan to be excessively brief and superficial. There is little detail describing basic curriculum,

special supplementary programs, equipment, staff size and competency, or other features which would lead one to believe these programs are truly exceptional in substance and, therefore, appeal.

Nonetheless, we decided to pursue this concern a bit further. The League visited a sample of ten magnet-type schools in order to assess in general terms the viability of the Board's exceptional programs. We are pleased to report that our staff was, overall, favorably impressed by the schools' programs -- though a number of these schools are restricted to high achievers. A copy of the staff report, which provides both an overall summary and a school-by-school description of the visits, is available to the court upon request. While we believe the plan should contain more programmatic detail and a timetable for their establishment, our visits suggest that the Board has the demonstrated capability to create good quality programs that merit pupil and parent interest.

This finding has tended to confirm the importance of the other concern we have about magnet-type programs: their marketing. Experience over the past few years with Access to Excellence Programs and the later Options for Knowledge offerings indicates that the conventional methods of advertising programs, e.g., through flyers, media and community-wide committees do not serve adequately to persuade parents to transfer or enroll their children in a different school.

As recently as February 10, the findings of a National Opinion Research Center survey, reported in the Chicago Sun-Times, dealt with various voluntary desegregation programs currently in operation within the school system. The article stated that: "Large numbers of black and Hispanic parents indicated that they were unaware of many of these programs. Asked whether they had heard of the 'permissive enrollment program,' 50 percent of blacks and 55 percent of Hispanics said they had not. Only 38 percent of whites said they had not. Fifty-five percent of black parents and

77 percent of Hispanic parents said they had not heard of magnet schools, while 44 percent of whites were unaware."

In reviewing the communications section of the Board's November Progress Report, it appears that the radio is the most frequently used means of communication of desegregation activities. The Board of Education's station, WBEZ, has been heavily utilized. However, this station's listenership is probably quite limited.

The plan is missing in attention to detail about the recruiting strategies, procedures, timetable and resources to be used to inform and persuade parents of the quality of the schools being developed. Without this detail and a plan for making this information available, chances for voluntary desegregation -- even within the limited capacity of magnet-type programs -- will be tenuous at best.

7. THE PLAN SHOULD CONTAIN REALISTIC AND WELL-DEVELOPED PROVISIONS TO PROMOTE POSITIVE INTERACTION EXPERIENCES BETWEEN RACIAL GROUPS IN DESEGREGATED SCHOOLS. AS WRITTEN, THE PLAN DOES NOT DESCRIBE ADEQUATE PROVISIONS OF THIS SORT.

In seeking to make inter-racial experiences within schools positive events, the plan should first indicate that (and how) adequate human relations training will be provided for teachers, administrators and staff. The cutting edge for desegregation implementation is at the local school level. One critical consideration must be the attitudes, commitment, and relevant skills of the school-level personnel who have responsibility for implementing the plan. We know that the ease with which students are able to adjust to a novel situation which brings together students who are "foreign" to each other and who have regarded each other with distrust and even hostility in the past, is largely a function of the modelling behavior of those significant others in the school setting. The teacher, the principal and others within the school in positions of authority are the key actors in this regard. To insure the creation of the appropriate emotional and attitudinal climate, interpersonal relations training is absolutely essential for teaching and administrative staff.

The consent decree states (section II.2) that the plan will provide pre-service and in-service training programs for Board personnel such as administrators, teachers,auxiliary staff, bus drivers and monitors. The Board plan does state that five half days will be utilized for such training, but it provides little information about content or focus. Passing reference is made in the plan to topics to be addressed. These include: (1) uniform discipline codes; (2) effective schools intervention in target schools; (3) Public Law 94-142 requirements for special education; (4) implementation of magnet school programs; and (5) implementation of non-discriminatory counseling and guidance procedures.

In reviewing the November Progress Report on the implementation of the student desegregation plan, little additional light is shed on the area of human relations training. The report mentions that District Superintendents were given in-service training which included the following topics: (1) Participation Summaries; (2) State Title I Guidelines; (3) Program Monitoring; (4) Desegregation Progress; (5) Planning for Staff Development; (6) Schools Not Meeting Minimum Progress; (7) Information Needs for Comprehensive Desegregation Plan.

It states that an institute on school desegregation was held for black school administrators. Here again the focus was on such topics as: (1) Historical Perspectives of Desegregation in Chicago; (2) The Content of Student Desegregation Plan; (3) National Issues in School Desegregation; (4) Staff Development (Content Unknown), (5) Curriculum and Instruction; (6) Evaluation and Monitoring; (7) Finance and Resource Allocation.

It also states that Northeastern Illinois University has received funds to conduct a Race Relations Training Institute. However, it appears that only representatives from each of the 75 newly desegregated schools will be eligible to receive the training from the Institute, and once again the content of the training is not clearly specified.

We have taken the time and space to recapitulate what the plan states about human relations and other forms of personnel training to verify the omissions and inadequacies of this component of the plan. With the exception of "effective schools" intervention in target schools, which strikes us as being utterly cryptic, the five half days of training sessions for school staff appear to skirt the issue of human relations training. Even though orientation of staff to the new uniform discipline code may help to control some of the consequences of staff discrimination, it does not attempt to address their inappropriate attitudes. The training for district superintendents and black school administrators are understandably administrative in focus. The program at Northeastern Illinois University seems to be more promising, but too limited

What is missing from both the original plan and the progress report is a commitment to provide ongoing in-service training at the school level involving total staff in order to improve the attitudes of the teachers upon whom the desegregated pupils will depend to create the conditions in which they can positively interact with their peers. The lack of attention to the human relations/attudinal issue leaves us with grave concerns about the ultimate prospects for success of this desegregation plan. It appears to us that the requirements of the consent decree with regard to this issue have not been met by this plan.

We believe the human relations component of the plan ought to be described in some detail and should contain the following elements: (1) ongoing in-service training at the school level involving all or almost all staff; (2) sensitizing of staff to the varying perspectives of the racial groups in the school and to the stereotypes and misconceptions each group is likely to have about the other and which need to be overcome; (3) extensive training and exposure of teaching staff to cooperative learning and other teaching techniques which have proven to be effective in inter-racial classrooms; (4) training in group dynamics and conflict management. While we fully recognize that adoption of our preferred training agenda is not constitutionally required of the Board's plan, we believe it illustrates the substantive focus which -- if described in greater detail -- would be sufficient in relevance and detail to fulfill constitutional requirements for meaningful attention to creation of positive inter-racial experiences in the school. While the Board's plan certainly could be different from ours in content, it should describe some type

of philosophy, approach and training program designed to foster improved human relations across racial groups within the schools. The Board's plan, in our view, fails to achieve this. The court does not have any idea what in the way of human relations training it is being asked to validate.

A related issue is the problem of within-school resegregation. Resegregation within the desegregated school should be guarded against both by the absence of official policies and procedures (such as tracking) which foster separation, and by affirmative but unobstrusive actions to encourage positive mixing. The consent decree (section 10.1) states that the plan shall contain provisions to ensure that students attending desegregated schools are not resegregated within their schools without educational justification. This provision applies to the reassignment of students in classrooms as well as to programs of instruction.

The Board of Education's plan states that no class within a school may vary from the racial proportion of the school by more than 20% unless educationally justified as: (a) ability grouping; (b) student selected programs; (c) high school electives; (d) due to administrative limitations. We are particularly concerned about the likely negative impact which the first of these justifications is likely to have on desegregation. There exists a wealth of empirical evidence which suggests that ability groupings tends to segregate students by race and further that such separation seems to affect negatively the achievement and self-esteem of low-ability students. The other three justifications offer to out-of-compliance classrooms additional loop-holes that will render the 20% out-of-compliance policy effectively null and void. Thus the terms of the consent decree, both in spirit and in fact, are threatened to be violated. Rather than agreeing to a blanket acceptance of these justifications for within school resegregation, the Board's plan should be severely limiting and offering educationally and administratively effective strategies for avoiding the use of such divisive actions.

8. THE BOARD'S PLAN, LIKE ITS PREDECESSOR (ACCESS TO EXCELLENCE), IS SO CONSUMED WITH RETAINING WHITES IN THE SYSTEM, THAT IT HAS CREATED A PROGRAMMATIC LINE-UP WHICH, ON BALANCE, WILL LIKELY BE EDUCATIONALLY DESTRUCTIVE TO THE SCHOOL SYSTEM'S MOST IMPORTANT CLIENTS: THE LARGE NUMBER OF LOW-INCOME, LOW-ACHIEVING BLACKS IN RACIALLY ISOLATED SCHOOLS WHO HAVE HISTORICALLY BEEN THE CHIEF VICTIMS OF SEGREGATION IN CHICAGO.

The chief reason for this destructive outcome is that the emphasis on special programs and voluntary transfers to other schools will very likely skim the best students -- white and black -- away from racially isolated neighborhood schools. Unlike Access to Excellence (and its current renamed successor, Options for Knowledge), the Board's newest array of exceptional programs -- metropolitan schools, scholastic academies, and other specialty programs -- have no minimal academic requirements. This is an improvement, but only insofar as it does not administratively mandate skimming.

The new programs contain no provisions to prevent the skimming which is highly likely to occur simply because these programs will appeal most heavily to middle-class, highly motivated, and high achieving pupils and their parents. The school system's biggest educational problems are not with the students and families who are attracted to programs in medicine, technology, communications, the arts, and sciences; to programs requiring parental involvement, dress and discipline codes; and to programs necessitating longer hours and bus/train travel during Chicago's winters. Rather, the school system's major challenge is with those pupils and parents who care little about reading, arithmetic, finishing high school, or preparing for a vocation.

That the movement of middle-class and higher achievers to these special programs will be destructive to other students is quite clear. There is an extensive research literature which demonstrates that the best predictors of a student's educational performance and subsequent success

in college is not the racial composition of the school attended but the socio-economic composition of the student's classmates and, even more strongly, the academic achievement level of these classmates(which is associated with socio-economic class status). We take the position that providing some additional funding for racially-isolated, low-income black schools is necessary but not sufficient to assure constitutionality . We would assert that the court-established principle of providing relief for schools which are to remain racially isolated after desegregation has occurred implicitly requires that the intended beneficial relief not be negated or counteracted by other policies and procedures within the desegregation plan. To allow the more motivated and higher achieving students--whether black or white--to abandon the worst racially isolated schools in the system without some procedural safeguards designed to minimize and control for the likely expansion of achievement and economic class segregation is, we believe, such a constitutional violation of the intent of Milliken II.

The sorts of safeguards which ought initially to be included in the plan are relatively modest and straightforward. First, those involved in recruitment--both formal recruiters and the informal network of teachers, vocational counselors, and principals--must explicitly be instructed to avoid selectively seeking out and encouraging the transfer of each school's better students while largely ignoring others. Second, achievement and economic class goals reflective of each school's overall composition should be established for recruitment within specific schools. Third, achievement and economic class diversity fairly reflective of the entire school system should be employed as secondary considerations to race in determining who may transfer into special programs. This will help to prevent excessive transfers from the system's better schools. Fourth, the

monitoring and evaluation of the plan's implementation should contain an analysis of who--in terms of achievement and economic class status--has been recruited into the new special programs. If statistically significant differences in achievement or economic class status are found between either (a) individual transferees and their sending schools, or (b) the sending schools and the non-sending schools in the system; then further corrective procedures would have to be instituted.

Only by instituting this or some similar set of procedural safeguards, can the constitutionally necessary avoidance of detrimental skimming be ensured.

9. TO BE CONSTITUTIONAL, SIGNIFICANT EXTRA FUNDING (MILLIKEN II RELIEF) FOR RACIALLY ISOLATED SCHOOLS MUST BE PROVIDED WITHOUT QUALIFICATION ABOUT FUNDING AVAILABILITY AND MUST BE DOCUMENTED IN SUFFICIENT DETAIL. THE FUNDING COMPONENT OF THE BOARD'S PLAN IS UNACCEPTABLY CONTINGENT, INACCURATE (OR MISLEADING), LACKING IN SUFFICIENT DETAIL, AND VERY PROBABLY IS PROVIDING RACIALLY ISOLATED SCHOOLS WITH INSIGNIFICANT EXTRA FUNDING.

The provision of extra funds -- and, therefore, resources -- to schools which are to remain racially isolated is a form of compensation intended to make up in part for the system's failure to remedy all manifestations of segregation. This component of the plan is extraordinarily important because the majority of the system's schools are to remain segregated under the Board's proposal.

Unfortunately, the funding component for racially isolated schools is deficient in a number of ways. First and probably most obviously, the Board indicates that it will provide Milliken II relief to the extent that funds are available and if the School Finance Authority agrees to so spend Board funds. We believe such equivocation and qualification simply are wrong and unacceptable. Compliance with the dictates of the United States Constitution are not dependent on the judgment of the Board of Education or the School Finance Authority. The Constitution takes precedence, and the court should clarify for the Board that deviations from the court-approved spending plan can only be made with court approval.

Second, the Board's plan is inaccurate or at best highly misleading. The Board claims to be spending approximately $23 million in '81-'82 to provide "additional" compensatory educational opportunities at schools which remain racially isolated. The bulk of these funds (actually $15.6 million) are State Title I revenues. It is with these latter funds that we have our most serious concerns.

a. The distribution of State Title I funds is mandated by state law (as the Board notes in a footnote). Since a state law passed in the spring of 1978 required the Board to reallocate a portion of its State Title I funds to focus on the education of economically disadvantaged pupils, can these funds be defined as "additional" revenues being provided by the Board of Education to satisfy desegregation requirements? Superficially it would

appear to us that if the Board is under legal compulsion by the State of Illinois to move these funds to economically disadvantaged schools, then they could not be regarded as a compensatory addition above what the Board would normally have spent in these schools had there been no separate and distinct desegregation mandate. While this would be our initial viewpoint we do not profess to know what the constitution requires on this point. However, we do raise the issue for the court to consider and request that it be explicitly addressed in the court's decision on Chicago's plan.

b. We are more firmly convinced that the Board is inaccurate or misleading in labeling these State Title I funds "additional" in a second sense. The State Title I dollars which chapter 122, Section 18.9-8 (h) of the School code requires the Board to move to schools with high concentrations of economically disadvantaged pupils are not new funds. The Board had most of these funds last year as well. In reallocating these funds the Board had to first take them away from the budgets of schools which had these dollars the previous year. To "free up" these dollars, the Board indicates that they cut particular line items appearing in last year's budget. Though the Board has not divulged which schools lost how many dollars by these line-item cuts, it appears that these cuts were across-the-board -- that is, the funds were extracted from the budgets of virtually every school in the system. As a result, the majority of the $15.6 million in State Title I funds which the Board is labeling as "additional" revenues for desegregation are dollars which came from and were in the budgets of the system's more than 300 racially isolated schools last year. Based on the assumption that these dollars were taken out of each school proportionately to its relative budget size, only perhaps $6 million going into racially isolated schools would truly be new or additional revenues.* Unless the Board can submit documentation proving that these dollars were not extracted from racially isolated schools (as well as other schools), then we would contend that only $6 million instead of $15.6 million in State Title I funds be regarded as Milliken II relief.**

Though we have addressed the question of how much State Title I revenue labelled as "additional" funding is in fact new money, the same question can be asked about the origin of the other $7 million in compensatory education funds. This uncertainty about the source of these revenues is the basis for our third

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* The estimate is quite crude, being based on the fact that roughly 59% of the schools from which Title I funds would have been drawn to create the pool of $15.6 million are the same schools which receive these reallocated funds.

** The League has the computer capacity to simulate the withdrawal and reallocation of these funds and then accumulate the school-by-school differences resulting. Such an analysis can be provided to the court within two days should a request for such information be made to the League.

point of concern -- namely that the Board simply has not provided enough information about their financial commitment to racially isolated schools and to the desegregation process as a whole. The Board indicates that it can offer no estimate of how much is to be spent on desegregation in '82-'83 and that it plans to seek a final court order in September of 1983 declaring the Chicago Board of Education a unitary school district. Thus we have a plan for next year with no specific budget commitment and an expectation that court supervision will be terminated at the beginning of the following year. The insubstantiality and brevity of funding across this year and all succeeding years, we would claim, hardly can be construed as sufficient assurance that the Board will adequately redress the ill effects of the long history of racial segregation in Chicago's schools. Until the Board proposes a specific multiple-year funding plan detailing where these funds come from and are to be spent, we believe the court should regard this plan as incomplete, inadequate, and unacceptable.

Finally, we want to raise the issue of the adequacy of the funding level (even) this year for Milliken II relief. Granting that the Board is providing $14 million this year* for some 319 racially isolated schools in Chicago with 279,947 students enrolled, the Board's budget calls for roughly $50 per pupil in extra expenditures. On the other hand, the Board spends approximately $3,000 per pupil system-wide. Thus,in very simplistic terms, the Board is proposing to compensate the 63% of its pupils who remain racially isolated in this plan by supplementing '81-'82 expenditures on them by roughly 1.7%. By this measure, we believe the approximate $50 per pupil compensation amount is inadequate.

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* For purposes of this discussion, the $9 million in Title I funds that very likely are not new revenue have been deleted, but the legitimacy of the other $7 million in non-Title I funds is accepted.

Another way to put into perspective the Board's special resource allocation for racially isolated schools is to compare the $50 per pupil rate with that projected for special programs. The Board's plan indicates that $5.5 million in desegregation money is to be spent on its Options for Knowledge program (which includes magnet schools) and an additional $.5 million for stably integrated and desegregated schools. According to Board reports, the Options for Knowledge program contains 13,659 pupils and the stably integrated and desegregated schools contain 34,563 and 73,777 students respectively. Thus, the Board plans to spend $6 million in desegregation money on 121,999 students (without including any of the $9.1 million to be spent on transportation). This works out to be approximately $49 per pupil, which is roughly the same as the compensation funding for racially isolated schools. With only 40,943 or 9.2% of the system's students not explicitly being given any "extra" funding for desegregation purposes, we question whether the Board's extra funding for racially isolated schools really can be regarded as "extra" funding at all. Since three-quarters of the non-racially isolated student population is to receive as much extra money as are racially isolated pupils, the idea of truly compensatory educational funding is largely a hollow concept in this plan. In reality, the compensatory funds provided by the Board do nothing more than keep the racially isolated majority in the school system from being shortchanged and exploited by the desegregation plan.

The Chicago Urban League believes the notion of compensatory funding requires that racially isolated schools receive extra funding above and beyond what other schools may be receiving chiefly to motivate whites to move or stay where the Board of Education wants them. Further, we believe the entire financial section of the Board's plan fails to meet the minimum standards which compliance with the Constitution dictates.

10. MONITORING, ASSESSMENT, AND REPORT PREPARATION FOR JUDICIAL REVIEW SHOULD BE PERFORMED BY AN ENTITY CREATED BY AND DIRECTLY RESPONSIBLE TO THE COURT. THIS ENTITY MUST: a) HAVE ACCESS TO THE INFORMATION IT DEEMS RELEVANT AND HAVE SUFFICIENT STAFF TO OVERSEE AND ANALYZE THE IMPLEMENTATION PROCESS; b) BE APPOINTED AND READY TO FUNCTION IMMEDIATELY UPON COURT APPROVAL OF A DESEGREGATION PLAN; c) PREVENT MISUNDERSTANDINGS FROM EMERGING LATER ABOUT WHAT WAS TO HAVE BEEN ACHIEVED BY, IN ADVANCE, DEFINING IN PRECISE OPERATIONAL TERMS HOW OBJECTIVES ARE TO BE MEASURED IN QUANTITATIVE AND METHODOLOGICAL TERMS.

In the consent decree, there are no clear guidelines specifying whether or not the court would control the monitoring mechanism. It was simply stated in 13 that "The plan shall establish a system of recordkeeping and reporting through which the Board's compliance with the provisions of this agreement can be monitored." The Board of Education has chosen to interpret this statement to mean that a monitoring commission reporting to the General Superintendent is the preferred mechanism for compliance reporting. We feel, however, that judicial acquiesence to the Board's interpretation would represent a grievous error.

We interpret the statement to request a mechanism which will guarantee that compliance with the provisions of the plan are critically monitored and reported to the judge. As the chief implementors of the plan, the General Superintendent, her staff, and the Chicago Board of Education are hardly in a position to serve objectively as that guarantor. A monitoring commission must have an independent perspective. It is clear that the Chicago Board of Education has an interest to protect. It is the interest of the Chicago Board of Education to have an implementation report which says they are adequately meeting the requirements of the law. In addition to lacking the objective perspective of a neutral, external body, a report through the General Superintendent would generate public skepticism, charges of a cover-up, and outright rejection by various segments of the community

regardless of the content or objectivity of what it says.

It is important that whatever the court approves be fully understood by all parties and be evaluated in terms of implementation with thoroughness and impartiality. This can only be achieved by very painstaking specification of what is to occur in concrete and quantitative terms and with measurement procedures specified. We are particularly concerned about this because the Board's plan contains numerous omissions and uses success measurement techniques that are inappropriate, inadequate and misleading. For example, the Board persists in interpreting annual systemwide declines in white enrollment of 8%-10% as part of the evidence for the success of their voluntary programs. Declines in the percentage of whites for schools over 70% white in many instances are due to declining white enrollment rather than open enrollment and permissive transfer programs. When the effects of this decline are removed, the Board's program seems to have very little success at moving blacks and especially whites around the system voluntarily. Elsewhere in this document we have mentioned other inadequacies of the information provided by the Board in its plan. For example, the lack of any information about the number of permissive transfer slots open to blacks and the number of blacks filling those slots in support of the Board's contention that blacks are significantly participating.

But a more fair and concrete example of the inadequacy with which the Board measures and interprets success can be taken directly from the November 1981 Progress Report. In describing the impact of magnet programs on racial composition, the Board simply says: "As shown in Table 20 most of the programs have a favorable impact on the racial composition of the school in which they are located, in terms of a standard of 50-50

enrollment. That is, the magnet programs increase minority enrollment in schools less than 50% white" (Progress Report, p. 134). A closer look at the Board's own figures in the referenced table (20) suggests that their interpretation is not fully accurate. It is true that 13 of the 18 schools with less than 50% minority enrollment last October have increased their minority enrollment. It is also true that 6 of 12 schools with over 50% minority pupils showed a decline in minority enrollment. But when the racial composition change in the magnet program in each school is compared to the racial composition changes in the entire school, a different picture emerges.

While 13 of 18 schools increased minority enrollment, it is clear that only six of the 18 schools have any basis for asserting that a desirable change in school enrollment may have been largely attributable to the magnet program housed in the school. In the other 12 schools the magnet program had either no effect or its effect inhibited the overall positive change occurring in the rest of the school.

While six of the 12 schools with more than 50% minority enrollment registered a decline in overall percent of minorities, the magnet school program also experienced a small (2%) reduction in its minority enrollment percentage in one other school with more than 50% minority pupils overall; however, this school still registered nearly a 5% overall increase in minority enrollment. In three other schools the declines in minority enrollment in the magnet programs occurred in schools which overall showed no change in minority enrollment. And in one other school with over 50% minority enrollment the magnet program increased its minority percentage which contributed to an overall increase in minority enrollment in the school as a whole. In addition to these figures, the report notes that four other magnet programs

have been discontinued and eight others are under review because they are not improving the racial composition balance in their schools.

A. Schools With Less Than 50% Minority Enrollment 10/80

Effect of Magnet Program on Schools' Racial Composition	Number of Schools
No Effect (between 0-1% change in program racial composition)	5
Opposite of Designed Effect	4
Reduced Effect (smaller change in program than in school)	3
Some Effect (more than 1%)	6
	18

B. Schools with More Than 50% Minority Enrollment 10/80

Effect of Magnet Program on Schools' Racial Composition		Number of Schools
No Effect (between 0-1% change in program racial composition)		5
Some Effect		7
Positive effect on school	3	
No change in school	3	
Negative effect on school	1	
		12

Of the 38 magnet schools, then, we can only say that a net positive change in overall school racial composition was due in part to the magnet programs in eight of these schools. In seven schools the magnet program clearly

tend to hurt the overall shift in racial composition. In the 23 others, shifts in magnet program enrollments either did not occur or were in a positive direction but were sufficiently small that they did not result in positive net effects on overall school enrollment.

This analysis yields a different set of conclusions about the desegregative impact of the magnet program than the earlier quoted statement offered by the Board of Education.

The most frequent effect of the magnet program is essentially a trivial effect--that is, an effect which tends to be smaller in magnitude than the overall trend in the system toward increasing minority enrollment.

Some of the general pattern of increased minority enrollment is due to declining white enrollment in the system and some is due to the impact of other voluntary programs. These other voluntary programs, however, do not involve large numbers of pupils and have not been especially successful at increasing desegregation over last year's totals.

In a small number of schools (8) a positive impact was clearly discernible, but this improvement was largely offset by a negative impact in a nearly equivalent number of schools (7).

Though raw numbers were not provided in the Progress Report thus preventing composite percentaging, the change magnet programs produce on schools' racial enrollment tends to be only perhaps two or three percent on the average. In most instances this is so small a shift that pupils in the school undobtedly do not notice any change in their environment. Experientially, then, the magnet program has practically no desegregative value.

We believe the court might find it instructive to compare other portions in the Board's November, 1981 Progress Report with what we would regard as a more balanced but quite brief summary of achievements.

Administrative Actions

The program is almost totally a one way street: 96.4% of all open and permissive enrollment pupils are minority. Only 265 of 7,356 pupils are white. While the total number of students transferring has increased by 29% (from 5,693 to 7,356) over last year, white participants remain negligible (188 last year, 265 this year).

Elementary Schools Previously 70% - 95% Minority

Efforts to increase white enrollments in these (11) schools failed. In fact minority enrollment rather than white enrollment increased over last year some 3.4% on the average. Only one school showed a decline in minority enrollment.

Elementary Schools Previously Under 30% Minority

Of 64 such schools, eight were closed and the remaining 53 increased their minority enrollment by a median rate of 6.3% (mean not available). This probably is above the systemwide increase in minority enrollment so the "voluntary" programs being used probably are responsible for a 2%-4% average increase. Some 33 of the 53 schools now have at least 30% minority enrollment; however, only eight of the 19 schools still below 30% achieved the minimal increase goals set by the Board for this year.

High Schools Previously Under 30% Minority

Of nine such schools, four reached the 30% level, and all but one showed noticeable progress and achieved FY '82 goals.

Other High Schools

Of ten others not already all minority, eight showed increased minority enrollment (though the system is becoming more minority). Five of the ten moved closer to the 50%-50% standard, and five moved away from it. On the average, the percentage changes overall were 1.2% per school in the wrong direction. The report does not consider racial changes in the all black high schools.

We offer this cursory summary not because it has any extraordinary merit, but because it reflects the perception of an entity external to the school system and, hopefully, serves to demonstrate the need for an independent

monitoring commission, responsible for writing its own report and responsible directly to the court. The Chicago Urban League, the Citizens School Committee, and other community groups and individuals would be agreeable to participating on such a commission. We believe the contrasting experiences with internal and external monitoring commissions elsewhere (e.g., San Diego and Los Angeles) support our contention that an independent court appointed entity better serves the public interest.

11. THE PLAN CONTAINS AN UNSTATED ASSUMPTION ON WHICH MANY OF THE PLAN'S FEATURES DEPEND -- NAMELY THAT THE DANGER OF WHITE FLIGHT IS SO IMMINENT AND WOULD BE SO DESTRUCTIVE THAT IT IS THE OVERRIDING CONSIDERATION TO BE AVOIDED AT ALL COSTS. THE EXTREME PRE-EMINENCE ACCORDED THIS VIEWPOINT IS RACIST AND THUS UNCONSTITUTIONAL.

In earlier segments of this document, we have individually challenged the constitutionality or consent decree compliance of various features of the Chicago Board of Education's plan. Among these features are:

a. the failure to require black participation in the definition of the remedy to past racial isolation;

b. allowing a system with only 17% whites to retain 70% white schools;

c. the creation of restrictions against minorities transfering into schools that would thereby drop below 50% white;

d. the exemption from racial quota transfer-out restrictions granted exclusively to whites (who wish to attend a magnet school) when such preferential treatment does not even assume that the goal of desegregation will be enhanced in any individual instance;

e. the disproportionate burden placed on blacks in the desegregation process;

f. the failure to explicitly require any whites to attend a school outside their residential neighborhood while continuing to mandate that blacks attend schools outside their residential neighborhood.

All of these features of the plan largely seem to consist of concessions to whites intended to minimize white flight -- at least it would be difficult to imagine other possible explanations for such a consistent pattern of plan elements which tend to hamper rather than enhance equitable black-white mixing in the schools.

While we have asked the court to regard each of these features separately as violations of constitutional requirements, they also should be viewed in composite. That is, do the inequities involved -- the concessions to whites and the added burdens and restrictions placed on blacks -- seem to be warranted in relation to their purpose of avoiding white flight? One certainly can argue that if the plan is constructed in a way which will result in large-scale white exodus from the public school system, then the goal of desegregation

will not be effectively served. No black-white desegregation can occur if there are no whites left in the system for blacks to mix with.

The validity of this argument and position is chiefly one of degree. It would be ludicrous to take either extreme position. That is, at one extreme, white flight due to the imposition of a desegregation plan can be completely avoided by having no plan or by having a plan which effectively assures that no desegregation will occur. At the other extreme, one can completely disregard concerns for white flight and institute an ironclad set of reassignment principles which guarantee maximum desegregation among those whites who chose to remain in the system. This extreme probably would ensure very sizable losses of whites in the system and fairly minimal black-white racial mixing.

The court could attempt to select the combination of features which are thought to produce the maximum amount of desegregation. Or, to be less controlling, the court could simply construct a range within the two extremes which would be regarded as constitutionally acceptable. Given that the conscent decree calls for establishing the maximum amount of desegregation practicable taking local circumstances into account, one might define the court's task as more the former than the latter option. Yet, the plan features which are judged to produce the maximum practicable amount of desegregation must also stand up to constitutional precepts.

The Chicago Urban League believes the Board's current plan fails both to ensure the maximum practicable amount of desegregation and also fails to conform to constitutional dictates. First, in relation to what is the maximum practicable amount of desegregation, we would suggest that the phenomenon of white flight in Chicago would not be appreciably different from what has occurred elsewhere. Prior research suggests that if desegregation is accomplished with reasonable alacrity, good voluntary options and explicit, certain mandatory back up provisions, white flight will usually produce a

one-year doubling of the existing rate of white exodus followed by a return to the previous pattern of decline. Since white decline has in recent years averaged 8% to 10% per year, white flight would probably produce a one year extra decline of 8% to 10% in the white enrollment. Would prevention of the loss of perhaps 7,000 white students justify preventing approximately 36,000 blacks from escaping racial isolation?

Even if the numbers of "desegregated" schools and students were roughly equivalent, we do not think the alternative course of action aimed at preventing white flight would be justified. That course of action would be far less potent in its impact on the perceptions of black pupils who are the chief victims of racial isolation in Chicago. With schools containing no blacks being considered "desegregated"; with schools containing 70% whites being considered desegregated; with whites having virtually complete freedom of movement (or non-movement) in the system and blacks being significantly restricted in their movement; with the absence of any minimal amount of desegregation being mandated (and assured) and thus the strong possibility that the court would end up sanctioning a segregated school system as "desegregated"; with these conditions existing, we believe blacks would suffer more psychological and social harm than were the system to become virtually all minority through extensive white flight.

There is a distinct difference in psycho-social impact between a system which is devoid of black-white mixing because whites have individually chosen to leave the public school system and a system which is devoid of black-white mixing because the system and the larger society have promulgated and sanctioned rules which sustain black-white separation. A reasonable analogy can be drawn with racial isolation in housing. If whites choose to flee to the suburbs and leave the city largely black, that is quite different in its meaning to blacks than if laws were passed restricting black movement and sanctioning racial segregation in city housing. In both instances, blacks are

able to maintain a greater semblance of personal dignity and social justice when individual discrimination rather than societal discrimination is the cause of racial isolation.

The history of racial discrimination in the Chicago public schools has involved more than racial segregation. Black schools have historically had fewer resources, less experienced and less well-qualified teachers, higher pupil-teacher ratios, and other deficiencies than have white schools. What the black community tends to perceive as the root cause of these inequities is a Board of Education which is preoccupied with and chiefly concerned about the interests of middle class whites. The priority traditionally given to middle-class whites has become particularly offensive to blacks as whites have become a dwindling numerical minority in the school system, and blacks, Hispanics and the poor have become the overwhelming majority.

By directing resources to the development of a new set of superior educational institutions and programs intended to retain middle class whites in the system and to draw other such whites back from the suburbs and private schools into the public schools, blacks will tend to see in this plan the same old pattern of priority being given to whites and second class standing for themselves. The opposition of blacks on the Board of Education to this plan is, we believe, persuasive evidence that blacks do in fact interpret the plan in this way. Regardless of its framers intent, the history of racial segregation and discrimination blacks have experienced both inside and outside the school system predictably and unavoidably produces such an interpretation of the plan among blacks. The court, in seeking to undo the destructive effects on the hearts and minds of blacks must take the phenomenological reality of the black perspective into account.

Rather than asking blacks to be understanding, to accept the inequities and trivial amount of desegregation which this plan will produce as regrettable consequences necessitated by the importance of retaining and drawing back

whites into the school system, the court needs in its decision to take a stand <u>for</u> blacks. The court needs to say that this plan, for once, must give priority to the interests of blacks, and that if such priority attention necessitates that whites will have to endure some inconvenience and will -- if they cannot tolerate attending schools with sizable black enrollments -- have to make other arrangements for the education of their children, then so be it!

We believe the decision of the court, in and of itself, is a key element in the remedy of past racial injustices long visited upon blacks in Chicago. The court, in this instance, is the final arbiter in determining what our society's verdict is going to be in translating abstract notions of racial justice into actions. The act of accepting the current plan would, by itself, defeat the meaning and spirit of the 1954 Supreme Court decision. Insistence on a more far-reaching and equitable plan than that offered by the Board of Education -- whether or not it produces the more ambitious magnitude of racial desegregation called for -- would be a major step toward restoring the pride and dignity of black people in Chicago. We strongly urge the court to follow such a course.

DEMOGRAPHIC APPENDIX

I. There is a total of 605 Chicago Public District schools enrolling 442,889 student

White		Black		Hispanic		Other*	
76,177	17.2%	268,834	60.7%	86,806	18.6%	11,072	2.5%

II. There is a total of 537 desegregatable and desegregated schools enrolling 429,394

White		Black		Hispanic		Other	
73,419	17.1%	26,0307	60.6%	84,878	19.8%	10,790	2.5%

The following types of schools are excluded from this count:

- o Child Parent Center;
- o Special Education Schools;
- o Bilingual Education Schools;
- o Adult Education Schools; and
- o Apprentice Programs

III. There are 43 schools (8 high schools and 35 elementary schools) that are stably intergrated. The number of students enrolled is 34,563.

White		Black		Hispanic		Other	
19,113	53.3%	4,009	11.6%	8,779	25.4%	2,662	7.7%

Percent of race in desegregated and desegregatable schools

White	Black	Hispanic	Other
26%	1.5%	10.3%	24%

*Others refer to American Indian, Alaskan Native, Asian, and Pacific Islanders.

The percent of black, hispanic and other enrollments in stably integrated schools that fall within the following percent ranges are:

% Range	Black	Hispanic	Other
0 - 5	16	3	24
6 - 10	10	4	8
11 - 15	5	3	4
16 - 20	2	4	4
21 - 25	3	7	3
26 - 30	2	7	
31 - 35	1	6	
36 - 40	11	1	
41 - 50		4	
51 - 55	1		
56 - 60			
61 - 65		1	
	43	43	43

IV. There are 9 stably integrated schools (2 high schools and 7 elementary schools) with potential for change. The number of students enrolled is 6,740

White		Black		Hispanic		Other	
3,625	53.8%	923	13.7%	1,831	27.2%	361	5.3%

Percent of race in desegregated and desegreatable schools

White	Black	Hispanic	Other
4.9%	.4%	2.1%	3.3%

The percent of black , hispanic, and other enrollments in stably integrated schools with a potential for change that fall within the following percent ranges are:

% Range	Black	Hispanic	Other
0 - 5	3		5
6 - 10	2		2
11 - 15	1	1	1
16 - 20	1		1
21 - 25		3	
26 - 30		3	
31 - 35	1		
36 - 40		1	
41 - 45			
46 - 50	1		
51 - 55		1	
Totals	9	9	9

V. There are 30 stably mixed schools (6 high schools and 24 elementary schools) enrolling 25,894.

White		Black		Hispanic		Other	
7,732	29.9%	6,725	26%	10,373	40%	10,64	4.1%

Percent of race in desegregated and desegreatable schools.

White	Black	Hispanic	Other
10.5%	[illegible]%	12.6%	9.9%

The percent of black hispanic and other enrollments in stably mixed schools that fall within the following percent ranges are:

% Range	Black	Hispanic	Other
0 - 5	14	3	16
6 - 10	3		3
11 - 15		1	4
16 - 20	2	2	1
21 - 25	1	4	2
26 - 30	2	4	1
31 - 35	1	1	3
36 - 40	3	2	
41 - 45			
46 - 50		1	
51 - 55		4	
56 - 60	1	1	
61 - 65	1	1	
66 - 70		2	
71 - 75	2	3	
76 - 80		1	
Totals	30	30	30

VI. There are 48 stably desegregated schools (5 high schools and 43 elementary schools) enrolling 23,221 students.

White		Black		Hispanic		Other	
14,677	63.2%	5,128	22.1%	2,229	9.6%	1,187	5.1%

Percent of race in desegregated and desegregatable schools.

White	Black	Hispanic	Other
20%	2%	2.6%	11%

The percent of black, hispanic and other enrollments in stably desegregated schools that fall within the following percent ranges are:

% Range	Black	Hispanic	Other
0 -5	6	19	37
6 - 10		12	3
11 - 15	9	4	4
16 - 20	9	7	1
21 - 25	6	3	2
26 - 30	6	2	1
31 - 35	5		
36 - 40	3	1	
41 - 45			
46 - 50	3		
51 - 55	1		
Totals	48	48	48

VII. There are 34 schools that remain to be desegregated (3 high schools and 31 elementary schools - 4 elementary schools will have to be desegregated during the 83-84 school year). These schools enroll a total of 16,521 students.

White		Black		Hispanic		Other	
12,541	75.9%	2,004	12.1%	1,413	8.6%	563	3.4%

Percent of race in desegregatable and desegregated schools

White	Black	Hispanic	Other
17%	.8%	1.7%	5.2%

The percent of black, hispanic and other enrollments in stably desegregated schools that fall within the following percent ranges are:

% Range	Black	Hispanic	Other
0 - 5	7	11	29
6 - 10	6	8	2
11 - 15	12	10	2
16 - 20	4	3	1
21 - 25	5	1	
26 - 30		1	
Total	34	34	34

VIII. There are 30 magnet schools (2 high schools and 28 elementary schools) enrolling 17,439 students*

White		Black		Hispanic		Other	
3,807	21.8%	10,396	59.6%	2,757	15.8%	477	2.8%

Percent of race in desegregated and desegregatable schools.

White	Black	Hispanic	Other
5.2%	4.0%	3.3%	4.4%

The percent of black, hispanic and other enrollments in Magnet schools that fall within the following percent ranges.

% Range	Black	Hispanic	Other
0 - 10	2	20	28
11 - 20	2	2	2
21 - 30	2	3	
31 - 40	2	1	

*Two Magnet schools will be moved during school year 82-83 -- M. Jackson (Dist. 18) and Turner (Dist. 20)

% Range	Black	Hispanic	Other
41 - 50	5	1	
61 - 70	3	1	
71 - 80	5	1	
81 - 90	4		
91 - 100	5		
Totals	30	30	30

IX. There are 19 schools (2 high schools and 17 elementary schools) that are expected to attract some white students but not enought to bring the respective schools under the CBOE's definition of desegregation.* These schools enroll 15,420 students.

White		Black		Hispanic		Other	
789	5.1%	10,190	66.1%	4,031	26.1%	410	2.7%

Percent of race in desegregated and desegregatable schools.

White	Black	Hispanic	Other
1.1%	3.9%	4.7%	3.8%

*These schools are sites for some of the Board's various desegregation programs e.g., scholastic academics, speciality problems etc.. etc..

The percent of black hispanic and other enrollments, in the 19 schools that may attract white students that fall within the following percent ranges are:

% Range	Black	Hispanic	Other
0 - 10	2	12	17
11 - 20	1	1	1
21 - 30	1	1	1
31 - 40	1		
41 - 50	1	1	
51 - 60	1	1	
61 - 70			
71 - 80		2	
81 - 90			
91 - 100	12*	1	
Totals	19	19	19

X. Altogether there are 213 stably integrated, mixed, and desegregated schools; magnet schools; schools to be desegregated; and schools to attract a few white students. The total number of students enrolled in these schools is 139,798 (32.6% of district enrollment in desegregated and desegregatable schools).

White		Black		Hispanic		Other	
62,284	44.5%	39,375	28.2%	31,415	22.5%	6,724	4.8%

Percent of race in desegregated and desegregatable schools.

White	Black	Hispanic	Other
84.8%	15.1%	37%	62.3%

*Enrolling 8,869 black students.

XI. Excluding stably mixed schools, and schools to attract a few whites the number of schools involved in the CBOE's desegregation process is 164 enrolling 98,484, students (22.9% of district enrollment in desegregated and desegregatable schools)*

White		Black		Hispanic		Other	
53,763	54.6%	22,460	22.8%	17,011	17.3%	5,250	5.3%

Percent of race in desegregated and desegregatable schools.

White	Black	Hispanic	Other
73.2%	8.6%	20%	48.7%

XII. The Board's desegregation plan would--if successful-- increase the number of desegregated schools from 130 to 164; an increase of 34 schools (20.7%). These 164 schools represent 30.5% of all 537 relevant schools in the system. The plan increase the number of students enrolled in these schools, from 81,963 to 98,484, an increase of 16,521 students or 16.8%.

- o The number of whites would increase from 41,222 to 53,763, an increase of 12,541 studnets or 23.3%
- o The number of blacks would increase from 20,456 to 22,460 an increase of 2,004 students or 8.9%.
- o The number of hispanics would increase from 15,598 to 17,011 an increase of 1,413 students or 8.3%.
- o The number of other students would increase from 4,687 to 5,250, an increase of 563 studnets or 10.7%.

*Stably mixed schools, and schools to attract a few white students have been excluded because according to the Board's desegregation definition the mixed schools are in fact predominatly minority and should, therefore, be considered RIM schools. The latter schools are not likely to attract any white students, and should definitely be considered RIM schools.

XIII. There are 319 schools which the Board categorize as racially isolated minority (RIM) schools, enrolling 279,947 students.

White		Black		Hispanic		Other	
9,007	3.2%	215,719	77.1%	53,460	19.1%	1,761	.6%

Percent of race in desegregated and desegregatable schools

White	Black	Hispanic	Other
12.3%	82.9%	63%	16.3%

The percent of black, and Hispanic enrollments in racially isolated minority schools falls within the following percent ranges.

% Range	Black	Hispanic
0 - 10	35	250
11 - 20	12	5
21 - 30	5	2
31 - 40	7	5
41 - 50	3	3
51 - 60	3	3
61 - 70	6	6
71 - 80	1	21
81 - 90	4	8
91 - 100	243	16
Total	319	319

XIV. The Board of Education's desegregation plan claims that 100 schools are either integrated or within an accepted desegregation range. This is true only if one accepts a definition of desegregation which requires no black enrollment. If the definition of desegregation were to require 30% black enrollment, then only 20 of the 100 schools reported are actually either desegregated or integrated.

The enrollment for these schools is 10,432 students. The combined racial composition of these schools is as follows:

White		Black		Hispanic		Other	
5,387	51.6%	3,963	38%	833	8%	149	2.4%

the percent of race in desegregated and desegregatable schools.

White	Black	Hispanic	Other
7.3%	1.5%	1%	2.3%

If the 30% criterion is applied to stably mixed schools, then the number of integrated and desegregated schools would increase by 3 enrolling 3,936 students. The racial breakdown of these schools is as follows:

White		Black		Hispanic		Other	
1,393	35.4%	1,927	17%	386	9.8%	230	5.8%

the percent of race in desegregated and desegregatable schools

White	Black	Hispanic	Other
1.9%	.7%	5%	2.1%

Additionally, if the 30% criterion is applied to magnet schools, then the number of desegregated and integrated schools increase by 5 more schools enrolling 5,221 students. The racial breakdown is as follows:

White		Black		Hispanic		Other	
1,831	35.1%	2,211	42.3%	1,064	20.4%	115	2.2%

The percent of race in desegregated and desegregatable schools

White	Black	Hispanic	Other
2.5%	.8%	1.3%	1.1%

Altogether, if the 30% criterion is applied to all of the aforementioned schools, then the total number of desegregated and integrated schools would be 28 schools enrolling 19,589 students with a combined racial composition as follows:

White		Black		Hispanic		Other	
8,611	44%	8,101	41.3%	2,283	11.7%	594	3%

The percent of race in desegregatable and desegregated schools

white	Black	Hispanic	Other
11.7%	3.1%	2.7%	5.5%

Lastly, when the 30% criterion is applied to schools that are to be desegregated during 1982-83, only 3 schools enrolling 711 students could be expected to be desegregated. These schools currently have black enrollments between 25% - 29%. In all probability these schools will move into compliance simply as a result of the loss of white students. The racial breakdown of the three (3) schools is as follows:

White		Black		Hispanic		Other	
522	72.44%	158	22.2%	20	2.8%	11	1.5%

The percent of race in desegregated and desegregatable schools

White	Black	Hispanic	Other
.7%	.1%	.02%	.1%

If the total number of schools that are presently involved in the Board's desegregation process (218 schools enrolling 149,447 students) are viewed as desegregatable (certainly the schools that have been identified as integrated, desegregated, and to be desegregated are so viewed), applying the 30% black criterion would yield 190 schools which remain to be desegregated. This could be understood as a minimum amount, not the maximum. The number of students enrolled in these schools is 129,147 students. The racial composition is as follows:

White		Black		Hispanic		Other	
55,279	42.8%	36,329	28.1%	29,115	22.5%	8,424	6.5%

The percent of race in desegregated and desegretable schools

White	Black	Hispanic	Other
75.2%	13.9%	34.3%	78.1%